

P. ENT COOPERATION TREA

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 16 December 1998 (16.12.98)	
International application No. PCT/US98/05505	Applicant's or agent's file reference MSK.P-031WO
International filing date (day/month/year) 20 March 1998 (20.03.98)	Priority date (day/month/year) 21 March 1997 (21.03.97)
Applicant FONG, Yuman et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:01 October 1998 (01.10.98)☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Lazar Joseph Panakal Telephone No.: (41-22) 338.83.38
---	--

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MSK.P-031W0	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 98/ 05505	International filing date (day/month/year) 20/03/1998	(Earliest) Priority Date (day/month/year) 21/03/1997
Applicant SLOAN-KETTERING INSTITUTE FOR CANCERet al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☒ **Certain claims were found unsearchable** (see Box I).
2. ☐ **Unity of invention is lacking** (see Box II).
3. ☐ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing
 - ☐ filed with the international application.
 - ☐ furnished by the applicant separately from the international application,
 - ☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.
 - ☐ Transcribed by this Authority
4. With regard to the **title**,
 - ☐ the text is approved as submitted by the applicant
 - ☒ the text has been established by this Authority to read as follows:

RAPID PRODUCTION OF AUTOLOGOUS TUMOR VACCINES BY USING HSV AMPLICON VECTORS

5. With regard to the **abstract**,
 - ☒ the text is approved as submitted by the applicant
 - ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.
6. The figure of the **drawings** to be published with the abstract is:

Figure No. 11

 - ☒ as suggested by the applicant.
 - ☐ because the applicant failed to suggest a figure.
 - ☐ because this figure better characterizes the invention.
 - ☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 98/ 05505

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 4-6 completely and 7-22 partially
are directed to a method of treatment of the human/animal
body, the search has been carried out and based on the alleged
effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such
an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all
searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report
covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is
restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

National Application No

PCT/US 98/05505

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/86 A61K39/00 A61K48/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96 29421 A (CANTAB PHARMA RES ;UNIV CAMBRIDGE TECH (GB); EFSTATHIOU STACEY (GB) 26 September 1996	1-7,9, 14,15, 17,22, 36,38-40
A	see page 3, line 37 - page 6, line 16 see page 16, line 2 - page 19, line 11 see page 24, line 22 - page 25, line 17 see page 26, line 2 - page 28, line 15 see page 34, line 31 - page 35, line 21 --- -/--	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

3 August 1998

Date of mailing of the international search report

17/08/1998

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Sitch, W

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 98/05505

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	TUNG ET AL: "RAPID PRODUCTION OF INTERLEUKIN-2-SECRETING TUMOR CELLS BY HERPES SIMPLEX VIRUS-MEDIATED GENE TRANSFER: IMPLICATIONS FOR AUTOLOGOUS VACCINE PRODUCTION" HUMAN GENE THERAPY, vol. 7, 1996, pages 2217-2224, XP002073449 see page 2217 see abstract ---	1-40
A	WO 97 00085 A (UNIV MEDICINE & DENTISTRY OF N) 3 January 1997 see page 5, line 2 - line 16 ---	36
P, X	KUTUBUDDIN ET AL: "ERADICATION OF PREEXISTING MURINE TUMOR USING HERPES AMPLICON VECTORS" CANCER GENE THERAPY, vol. 4, no. 6, November 1997 - December 1997, page S26 XP002073450 see abstract P-53 -----	1-7, 10, 11, 14-16, 20-24, 26, 27, 30, 31, 33, 36-40

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/05505

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 9629421	A	26-09-1996	AU	5153296 A		08-10-1996
			CA	2215162 A		26-09-1996

WO 9700085	A	03-01-1997	AU	6282896 A		15-01-1997
			EP	0835130 A		15-04-1998
